IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 15019 of 2006(K)

PETITIONER:

K.K.PAVITHRAN,
S/O.P.K.KOTTAN, PAVITHRALAYAM,
THOKKILANGADI, KUTHUPARAMBA, KANNUR DISTRICT.

BY ADV. SRI.K.V.PAVITHRAN
SRI.JAYANANDAN MADAYI PUTHIYAVEETTIL

RESPONDENTS:

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1. SECRETARY,
KUTHUPARAMBA MUNICIPALITY,
MUNICIPAL OFFICE,
KUTHUPARAMBA.

2. SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT,
THIRUVANANTHAPURAM.

3. DIRECTOR OF MUNICIPALITIES,
LOCAL SELF GOVERNMENT DEPARTMENT,
THIRUVANANTHAPURAM.

R1 BY ADV. SRI.P.V.SURENDRANATH
SRI.V.A.ABDUL JALEEL
R2-R3 BY GOVT. PLEADER MR.MOHAMMED ANSAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C)No. 15019 of 2006

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Dated: 14th March, 2007

JUDGMENT

Mr.K.V.Pavithran, counsel for the petitioner has placed before me a copy of the Government letter No.3363/D.P1/07/LSGD dated 1.2.2007 issued to the Chairman of the 1st respondent-Municipality wherein it is stated that tar can be procured from the public institutions and the completion of the spill over works which were not completed due to the reason that agreements were not executed prior to 31.3.2005 and also the works which were not completed despite obtaining of D.P.C. during 2004-05 can be had by incurring necessary expenditure either from the Municipality own funds or from the plan funds or from the grants. Even though learned Standing Counsel for the Municipality sought time to get instructions from the Municipality, since I am convinced that the copy placed before me is copy of the original letter itself and since it is attested by none other than the Municipal Secretary himself, I am of the view that the Municipality will have to supply tar to the petitioner on the basis of the clarification presently issued by the Government. Accordingly, I dispose of the Writ Petition directing the Municipality to procure tar as clarified by the Government in its letter No.3363/D.P1/07/LSGD

dated 1.2.2007 and supply the same to the petitioner so as to enable the petitioner to complete the work.

srd **PIUS C.KURIAKOSE, JUDGE**